

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

**MEIJER, INC. and MEIJER
DISTRIBUTION, INC., on behalf of itself and
all others similarly situated,**

Plaintiffs,

v.

**UNIMED PHARMACEUTICALS, INC.,
SOLVAY PHARMACEUTICALS, INC.,
WATSON PHARMACEUTICALS, INC.,
PAR PHARMACEUTICALS, INC., and
PADDOCK LABORATORIES, INC.,**

Defendants.

Case No. 1:09-cv-958-TWT

**DEFENDANTS' MOTION TO DISMISS THE
SECOND AMENDED COMPLAINT**

COME NOW, Unimed Pharmaceuticals, LLC, Solvay Pharmaceuticals, Inc. and Watson Pharmaceuticals, Inc. (collectively "Defendants"), by and through their undersigned counsel of record, and hereby move this Court to dismiss with prejudice Plaintiff's Second Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6), on the ground that the Second Amended Complaint fails to state any claim upon which relief may be granted.

In support of this Motion, Defendants herewith submit their Memorandum of Law in Support of Defendants' Motion to Dismiss the Second Amended Complaint.

Respectfully submitted, this 31st day of August, 2009.

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Defendants.

Case No. 1:09-cv-958-TWT

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, counsel hereby certifies that the foregoing motion has been prepared in accordance with Local Rule 5.1B using Times New Roman 14 point font.

Respectfully submitted this 31st day of August, 2009.

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of August, 2009, a copy of the foregoing Defendants' Motion to Dismiss the Second Amended Complaint was filed electronically using the CM/ECF system in the United States Court for the Northern District of Georgia. The Court has electronically mailed this document to the following attorneys of record:

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I hereby certify that on this 31st day of August, 2009, a copy of the foregoing Defendants' Motion to Dismiss the Second Amended Complaint was served via first class mail, postage prepaid, on the following parties:

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Dated: August 31, 2009

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